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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 PAMELA BENSON,
12 Plaintiff,

13 vs.

14 NEVADA RESTAURANT SERVICES,
INC. dba DOTTY'S, a domestic
15 corporation; CRAIG ESTEY, an individual;
PAULA GRAZIANO, an individual;
16 ROBERT SWADKINS, an individual; DOE
INDIVIDUALS 1 THROUGH 300; and
17 ROE BUSINESS OR GOVERNMENTAL
ENTITIES 1 through 300, inclusive,
18 Defendants.
19

Case No.: 2:18-cv-01157 –APG-CWH

**STIPULATION AND ORDER TO DISMISS
DEFENDANTS CRAIG ESTEY, PAULA
GRAZIANO, AND ROBERT SWADKINS
WITHOUT PREJUDICE, AND TO DISMISS
PLAINTIFF'S FOURTH CAUSE OF ACTION
(CIVIL CONSPIRACY), FIFTH CAUSE OF
ACTION (CONCERT OF ACTION), AND
EIGHTH CAUSE OF ACTION (NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS)
WITHOUT PREJUDICE**

20 Defendant Nevada Restaurant Services, Inc. dba Dotty's ("Dotty's"), by and through its
21 counsel, Jackson Lewis P.C., and Plaintiff Pamela Benson ("Plaintiff") by and through her
22 counsel, Mullins & Trenchak, hereby stipulate and agree to dismiss Defendants Craig Estey,
23 Paula Graziano, and Robert Swadkins without prejudice. Plaintiff hereby further dismisses, as to
24 all Defendants, Plaintiff's Fourth Cause Of Action (Civil Conspiracy), Fifth Cause Of Action
25 (Concert Of Action), and Eighth Cause Of Action (Negligent Inflection Of Emotional Distress)
26 contained in Plaintiff's Amended Complaint (ECF No. 13) without prejudice.

27 Defendant Dotty's shall file a timely answer to Plaintiff's Amended Complaint.
28

1 This stipulation and order is sought in good faith and not for the purpose of delay.

2 Dated this 19th day of September, 2018.

3 **JACKSON LEWIS P.C.**

MULLINS & TRENCHAK

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5 /s/ Kirsten A. Milton

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/s/ Philip J. Trenchak

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Attorneys for Plaintiff
Pamela Benson

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11 **ORDER**

12 Defendants Craig Estey, Paula Graziano, and Robert Swadkins are hereby dismissed
13 without prejudice.

14 Plaintiff's Fourth Cause Of Action (Civil Conspiracy), Fifth Cause Of Action (Concert Of
15 Action), and Eighth Cause Of Action (Negligent Infliction Of Emotional Distress) are hereby
16 dismissed against all Defendants without prejudice.

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18 IT IS SO ORDERED this 19th day of September, 2018.

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21 UNITED STATES DISTRICT COURT JUDGE